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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,339	09/17/2001	Katsuo Nire	450100-03368	9529
20999	7590	04/19/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			LEE, ANDREW CHUNG CHEUNG	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,339

Applicant(s)

NIRE, KATSUO

Examiner

Andrew C Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, 2, 6, 4, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Takiyasu et al. (U.S. Patent No. 5537414).

Regarding claims 1, 5, Takiyasu et al. discloses the limitation of a command processing method and apparatus for a radio LAN (Local Area Network) system which includes a plurality of terminals and at least one base apparatus (Fig.1, column 1, lines 10 – 14) and wherein a command issued from any of said terminals is received by said base apparatus (column 7, lines 15 – 17) and information is transmitted from said base apparatus to one or more of the plurality of terminals by radio communication between the terminals and said base apparatus (column 7, lines 17 – 21), comprising the steps of: receiving a command issued from any of said terminals (column 7, lines 15 – 17;); determining whether the received

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command is a competitive command whose acceptance may result in the disturbance of reception of information of any other one of said terminals (column 7, lines 22 – 29); rejecting acceptance of the command if it is determined that said received command is a competitive command (Fig. 10, column 19, line 3 – 6; lines 21 – 26); and issuing a notification of the rejection of the command to the terminal that has issued the command (Fig. 10, column 19, line 3 – 6; lines 27 – 35).

Regarding claims 2, 6, Takiyasu et al. discloses the limitation of a command processing method and apparatus of claimed further comprising the steps and means of setting a priority order among said plurality of terminals (column 10, lines 14 – 17); if it is determined that said received command is a competitive command, determining whether said priority order of said terminal issuing said command is higher than that of any other of said terminals currently receiving data (column 10, lines 17 – 27); if it is determined that said priority order of said terminal issuing said command is higher than that of any other of said terminals currently receiving data, accepting said command (column 10, lines 23 – 27); and issuing a notification of said acceptance of said command to said other terminals currently receiving data (column 10, lines 32 – 41).

Regarding claims 4, 8, Takiyasu et al. discloses the limitation of a command processing method and apparatus of claimed further comprising the steps and means of inquiring of said other terminals receiving data whether a particular command may be accepted (Fig. 8, column 18, lines 29 – 38); and if a response to

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said inquiry from all of said other terminals consents to acceptance of said particular command, accepting said particular command (column 18, lines 39 – 43).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takiyasu et al. (U.S. Patent No. 5537414) in view of Okanoue et al. (U.S. Patent No. 6282577 B1).

Regarding claims 3, 7, Takiyasu et al. discloses the limitation of a command processing method and apparatus for a radio LAN (Local Area Network) system which includes a plurality of terminals and at least one base apparatus (Fig.1, column 1, lines 10 – 14), and issuing a notification of said acceptance of said command to said other terminals currently receiving data (column 10, lines 32 – 41). Takiyasu et al. does not disclose expressly a command processing method and apparatus of claimed further comprising the steps and means of setting a predetermined time interval; if it is determined that said received command is a competitive command, determining whether said predetermined time interval has

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elapsed since the issuance of a command implementing a procedure currently in operation; if it is determined that said predetermined time interval has elapsed, accepting said command. Okanou et al. discloses the limitation of a command processing method and apparatus of claimed further comprising the steps and means of setting a predetermined time interval (Fig. 9, element S34, column 9, lines 52 – 54); if it is determined that said received command is a competitive command, determining whether said predetermined time interval has elapsed since the issuance of a command implementing a procedure currently in operation (column 9, lines 58 – 66; column 10, lines 1 – 5); if it is determined that said predetermined time interval has elapsed, accepting said command (column 10, lines 5 – 11). It would have been obvious to modify Takiyasu et al. to include a command processing method and apparatus of claimed further comprising the steps and means of setting a predetermined time interval; if it is determined that said received command is a competitive command, determining whether said predetermined time interval has elapsed since the issuance of a command implementing a procedure currently in operation; if it is determined that said predetermined time interval has elapsed, accepting said command such as that taught by Okanou et al. in order to provide a widely usable mobile terminal capable of automatically identifying one of a trunk network to which the mobile terminal is connected through a junction node and an ad hoc network constructed with only a plurality of mobile terminals and being connected to the selected one of the network when the mobile terminal moves between these networks and a network connection control method.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL

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Ail 12, 2005


Ajit Patel
Primary Examiner